

## **602 KAR 50:030. Jurisdiction of the Kentucky Airport Zoning Commission.**

RELATES TO: KRS 183.861, 183.867(2), 183.865, 183.867, 183.868, 183.870

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 authorizes the Airport Zoning Commission to promulgate administrative regulations concerning the use of land within and around designated airports in the Commonwealth. KRS 183.867(2) authorizes the commission to promulgate administrative regulations concerning jurisdiction over zoning of areas over which jurisdiction is assumed. This administrative regulation establishes the areas over which the Kentucky Airport Zoning Commission has zoning jurisdiction and establishes whether a permit shall be required from a property owner.

Section 1. Zoning Jurisdiction. The commission shall have zoning jurisdiction over the airspace above and around the airports designated in KRS 183.861. This jurisdiction shall include the airspace that lies above the surface extending outward and upward at one (1) of the following slopes:

- (1) If an airport has at least one (1) runway that is 3,200 feet or more in length, the slope shall be 100 to one (1) for a horizontal distance of 20,000 feet from the closest point of the nearest runway; or
- (2) If an airport's longest runway is less than 3,200 feet in actual length, the slope shall be fifty (50) to one (1) for a horizontal distance of 10,000 feet from the nearest point of the nearest runway.

Section 2. Airspace. (1) The commission shall have jurisdiction from the ground upward within the limits of the primary and approach surfaces as depicted on Airport Zoning Maps approved by the Kentucky Airport Zoning Commission, in accordance with KRS 183.867.

(2) The commission shall have jurisdiction over the airspace of the Commonwealth that exceeds 200 feet in height above ground level.

(3) The owner or person with control of a structure that penetrates or may penetrate the airspace over which the commission has jurisdiction shall apply for a permit from the commission, in accordance with 602 KAR 50:090. (KAV-9-1; 1 Ky.R. 807; eff. 5-14-75; Am. 2 Ky.R. 306; eff. 3-10-76; 5 Ky.R. 599; eff. 3-7-79; 10 Ky.R. 445; eff. 1-4-84; 14 Ky.R. 267; eff. 9-10-87; 19 Ky.R. 800; eff. 11-4-92; 27 Ky.R. 2228; 2774; eff. 4-9-2001; 39 Ky.R. 1058; 1881; eff. 4-5-2013.)